

REMARKS

As a preliminary matter, Applicants respectfully traverse the Advisory Action, and again traverse the outstanding Office Action (Paper No. 21), as both being nonresponsive. As previously argued, Section 707.07(f) of the MPEP places a burden upon the Examiner to, when repeated a previous rejection, first answer all of the meritorious arguments presented by Applicants traversing such rejection. The Examiner still has not satisfied this burden.

Specifically, the Examiner asserts in the Advisory Action that all of “Applicants’ prior arguments are moot” because of the addition of the recently cited Kudo reference (U.S. 6,353,435 -- The Examiner has mistakenly listed the number for the Hayama reference in the Advisory Action) to the original base rejection based on a combination of Hayama with Nakamura (U.S. 6,005,646). This assertion by the Examiner is erroneous. Applicants’ previous arguments did not merely claim that the asserted “missing feature” was not present in either of the two original references. Instead, Applicants also clearly argued how the base reference of Nakamura in particular taught away from the present invention by requiring a type of display device (OCB mode) that operates differently than the alleged “missing feature” noted by the Examiner, namely, that the device of the present invention must be a twisted nematic device.

Therefore, Applicants’ previous arguments in support of how the base Nakamura reference teaches away from the present invention are not at all moot, because the

Examiner continues to cite Nakamura as the base of his Section 103 obviousness rejection against the claims of the present invention. Any reference which teaches away from the present claimed invention cannot form a basis for an obviousness rejection against such claims. Such arguments cannot be moot as long as the Examiner continues to cite the Nakamura reference against the present invention, and/or until the Examiner is capable of rebutting such arguments on the record with written evidence in the prior art. Because the Examiner has never rebutted these arguments, and because Nakamura still forms the base of the obviousness rejection of the claims of the present invention, the outstanding Office Action should be vacated, and the rejection withdrawn.

Furthermore, the Advisory Action is also nonresponsive because it entirely fails to address or rebut any of Applicants' meritorious arguments from Response E, filed August 4, 2004, traversing the inclusion of the Kudo reference to the rejection on its face because the Examiner has not cited to any disclosed or suggested motivation within any of the three cited prior art references for how or why the Kudo reference could or should be combined with the other two references. Applicants further provided additional meritorious arguments directed to why Kudo could not be combined with at least Nakamura, for example.

As discussed above, Nakamura specifically teaches away from use of a twisted nematic device, such as that described by Kudo. The Examiner has cited to no expressed motivation, or even an explanation, for how Kudo could somehow be combined with

Nakamura to overcome this clear conflict in their respective technologies, inasmuch as the two references are applied to the teachings of the present invention.

Accordingly, the Examiner's burden to establish a *prima facie* case of obviousness against the present invention is not satisfied by merely picking and choosing individual features and limitations of the present invention from various prior art references. The Examiner is additionally required to establish on the record the motivation for how and why each of the individual prior art references can be combined. And this motivation must be expressly taught or suggested within the prior art references themselves, where the motivation is not otherwise well-known and readily demonstrable to anyone skilled in the relevant art. See In re Lee, 277 F.3d 1338, 61 USPQ.2d 1430 (Fed. Cir. 2002). Those skilled in the art, however, are well apprised that OCB devices do not operate according to the same principals as twisted nematic devices, and the Examiner has not otherwise cited to any teaching or suggestion within the prior art for how the inherent conflict between the references could be resolved. Applicants therefore submit that the motivation to combine the references is at least one "missing feature" that has yet to be provided by the Examiner, and the obviousness rejection should thus be withdrawn for at least these additional reasons.

Response E is therefore incorporated by reference herein, and Applicants respectfully request reconsideration and withdrawal of the outstanding obviousness rejection for at least the reasons discussed in Response E, as well as those above.

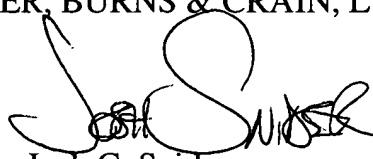
Additionally, in order to comply with the submission requirements of the Request for Continued Examination filed concurrently herewith, Applicants have added new claim 17 to recite additional features of the present invention not previously considered by the Examiner. Specifically, new claim 17 depends from independent claim 8, and emphasizes the discrepancies between the two conflicting technologies noted above by reciting that the driving voltage applied to the liquid crystal display device in the black representation mode is significantly larger than the driving voltage applied to the device in the white representation mode. Those skilled in the art are well apprised that OCB devices, such as that taught by Nakamura, operate under just the opposite principals, namely, that the driving voltage for the white representation mode is significantly larger than that of the black representation mode. Accordingly, Nakamura even further teaches away from the present invention, and therefore cannot form the basis for rejection of the present invention for at least these reasons as well.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-17, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would further expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider", is written over the printed name.

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